

**IN THE PROCEEDINGS BEFORE THE ENFORCEMENT COMMITTEE
ESTABLISHED IN TERMS OF SECTION 97 OF THE SECURITIES
SERVICES ACT, 36 OF 2004**

CASE NO: **1/2010**

In the matter of:

THE DIRECTORATE OF MARKET ABUSE

The Referring Party

and

10 **PIETERSE, JOHAN**

First Respondent

VAN DER MERWE, NICK

Second Respondent

DETERMINATION OF THE ENFORCEMENT COMMITTEE

*Before The Hon Mr Justice C F Eloff, E A Moolla, Ms C Maynard and Prof
S M Luiz.*

20 This Committee was entrusted with the task of deciding whether charges
of insider trading in contravention of Section 73 of the Securities Services
Act 36 of 2004 were adequately established. We are today concerned
merely with the position of the first respondent, Mr Pieterse.

While he initially disputed the contentions that he was an insider; that his
knowledge was specific and direct; and had the public known what he
knew they would have reacted to the facts being made known, he now

filed an affidavit in which he accepted his contravention of Section 73 and suggested an administrative penalty.

The Committee considered his position and concluded that his admission is in accordance with well-established facts. It is accordingly found that the first respondent was guilty as charged of insider trading. As to the amount of the administrative penalty, we take note of the fact that the Directorate of Market Abuse does not press for a greater amount than that suggested,² there are mitigating factors and it is necessary to stress that

10 each case must be decided on its own facts.

In this particular case, by virtue of the circumstances, accepted by the DMA and put forward by the first respondent, the amount which he tenders, which is of R1 million, is acceptable. In summary then the Committee finds that the charge has been adequately established against this first respondent. He was found guilty as charged of insider trading and an administrative penalty of R1 million is imposed.

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CHAIRPERSON**1 June 2010**